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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,621

11/26/2003

Reynolds Marion

REY-1

7107

33771

7590

07/25/2006

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EXAMINER

AVILA, STEPHEN P

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,621

Applicant(s)

MARION, REYNOLDS

Examiner

Stephen Avila

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-15, 23-26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 10-12, 16-22 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt (newly cited). Neil et al disclose the claimed structure and method including a watercraft capable of accommodating passengers for travel both on the surface of the water and below the surface of the water including a design of a hull compartment 20 and a hull 28. Neil et al do not clearly disclose a modular system and a v-shaped hull. Syfritt teaches a modular watercraft design with a v-shaped hull. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Neil et al to be modular with a v-shaped hull for ease of storage and transportation and to allow easy upgrades as taught by Syfritt (note column 2, lines 42-56 of Syfritt, for example).

3. Claims 2-7, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt, as applied to claim 1 above, and further in view of Tuffier. Neil et al do not disclose bladders. Tuffier teach using four bladders 10 (note Figure 1). It would have been obvious to provide the ballast system of Neil et al with bladders as taught by Tuffier for improved safety.

4. Claims 8, 9, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt, as applied to claim 1 above, and further in view of

Rougerie. Neil et al do not disclose an engine compartment, an electric motor, and the particular claimed size of the craft and ballast. Rougerie discloses a large craft with an engine compartment including engine 38. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Neil et al with an engine compartment as taught by Rougerie for improved propulsion.

Additionally, it would have been an obvious choice of engineering design to form the device with electric motor for low noise, and to form the device of a large size for accommodating more passengers.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt, as applied to claim 1 above, and further in view of Forman. Neil et al do not disclose a tubular passenger compartment. Forman teaches a tubular passenger compartment 12. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Neil et al with a tubular passenger compartment as taught by Forman for improved passenger comfort.

6. Claims 10-12, 16-22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

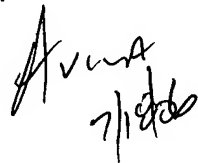
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bonfilio et al show a modular chassis. Childress shows a modular boat. Blaisdell et al show a modular boat. Belyeu show a modular kayak.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 571-272-6678. The examiner can normally be reached on Monday to Thursday from 7 AM to 3 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Avila
Primary Examiner
Art Unit 3617

Handwritten signature of Stephen Avila, dated 7/1/06.
